

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
GREENEVILLE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HERIBERTO ACQUINO,

Defendant.

2:09-CR-2

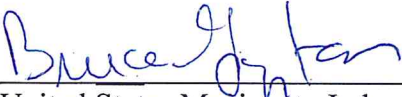
**ORDER**

The Court held Defendant's initial appearance on the petition to revoke his/her conditions of supervision on May 29, 2019. Appearing before the Court were Defendant and counsel, D.R. Smith, Esq. and representing the United States was Thomas McCauley, Esq.

Upon review of the petition with Defendant, the Court advised Defendant of his right to a detention hearing pursuant to Fed.R.Crim.P. 32.1(a)(6) and a preliminary hearing on the allegations contained in the petition pursuant to Fed.R.Crim.P. 32.1(b)(1). At this point, after conferring with Defendant, Defendant's counsel advised the Court that Defendant wished to waive both a detention hearing and a preliminary hearing without prejudice. Fed.R.Crim.P. 32.1(a)(6) provides that the burden is on Defendant to establish by clear and convincing evidence that Defendant will not flee or pose a danger to any other person or to the community. At this point, Defendant has not met that burden.

Accordingly, Defendant shall remain in the custody of the U.S. Marshal pending his revocation hearing, which shall be set on July 29, 2019 at 1:30 p.m. before the Honorable J. Ronnie Greer, Senior United States District Judge. **Any agreed order must be submitted to the Court seven days prior to the revocation hearing.**

SO ORDERED:

  
United States Magistrate Judge